

No. 13296

**(a) UNITED STATES OF AMERICA,
DEMOCRATIC REPUBLIC OF VIET-NAM,
PROVISIONAL REVOLUTIONARY GOVERNMENT
OF THE REPUBLIC OF SOUTH VIET-NAM
and REPUBLIC OF VIET-NAM**

**Protocol to the Agreement on ending the war and restoring peace in
Viet-Nam concerning the return of captured military personnel
and foreign civilians and captured and detained Vietnamese
civilian personnel. Signed at Paris on 27 January 1973**

Authentic texts: English and Vietnamese.

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Viet-Nam concerning the return of captured military personnel
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Authentic texts: English and Vietnamese.

Registered by the United States of America on 13 May 1974.

PROTOCOL¹ TO THE AGREEMENT ON ENDING THE WAR
AND RESTORING PEACE IN VIET-NAM² CONCERNING
THE RETURN OF CAPTURED MILITARY PERSONNEL
AND FOREIGN CIVILIANS AND CAPTURED AND
DETAINED VIETNAMESE CIVILIAN PERSONNEL

The Parties participating in the Paris Conference on Viet-Nam,
In implementation of Article 8 of the Agreement on Ending the War and
Restoring Peace in Viet-Nam² signed on this date providing for the return of
captured military personnel and foreign civilians, and captured and detained
Vietnamese civilian personnel,

Have agreed as follows :

THE RETURN OF CAPTURED MILITARY PERSONNEL
AND FOREIGN CIVILIANS

Article 1

The parties signatory to the Agreement shall return the captured military
personnel of the parties mentioned in Article 8 (a) of the Agreement as follows :

- all captured military personnel of the United States and those of the other
foreign countries mentioned in Article 3 (a) of the Agreement shall be
returned to United States authorities;
- all captured Vietnamese military personnel, whether belonging to regular or
irregular armed forces, shall be returned to the two South Vietnamese parties;
they shall be returned to that South Vietnamese party under whose command
they served.

Article 2

All captured civilians who are nationals of the United States or of any other
foreign countries mentioned in Article 3 (a) of the Agreement shall be returned
to United States authorities. All other captured foreign civilians shall be
returned to the authorities of their country of nationality by any one of the
parties willing and able to do so.

¹ Came into force on 27 January 1973 by signature, in accordance with article 14.

² See p. 2 of this volume.

Article 3

The parties shall today exchange complete lists of captured persons mentioned in Articles 1 and 2 of this Protocol.

Article 4

(a) The return of all captured persons mentioned in Articles 1 and 2 of this Protocol shall be completed within sixty days of the signing of the Agreement at a rate no slower than the rate of withdrawal from South Viet-Nam of United States forces and those of the other foreign countries mentioned in Article 5 of the Agreement.

(b) Persons who are seriously ill, wounded or maimed, old persons and women shall be returned first. The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest.

Article 5

The return and reception of the persons mentioned in Articles 1 and 2 of this Protocol shall be carried out at places convenient to the concerned parties. Places of return shall be agreed upon by the Four-Party Joint Military Commission. The parties shall ensure the safety of personnel engaged in the return and reception of those persons.

Article 6

Each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced.

THE RETURN OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 7

(a) The question of the return of Vietnamese civilian personnel captured and detained in South Viet-Nam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21 (b) of the Agreement on the Cessation of Hostilities in Viet-Nam of July 20, 1954,¹ which reads as follows :

“ The term ‘ civilian internees ’ is understood to mean all persons who, having in any way contributed to the political and armed struggle

¹ See p. 149 of this volume.

between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities.”

(b) The two South Vietnamese parties will do so in a spirit of national reconciliation and concord with a view to ending hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

(c) Within fifteen days after the cease-fire comes into effect, the two South Vietnamese parties shall exchange lists of the Vietnamese civilian personnel captured and detained by each party and lists of the places at which they are held.

TREATMENT OF CAPTURED PERSONS DURING DETENTION

Article 8

(a) All captured military personnel of the parties and captured foreign civilians of the parties shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

(b) All Vietnamese civilian personnel captured and detained in South Viet-Nam shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

Article 9

(a) To contribute to improving the living conditions of the captured military personnel of the parties and foreign civilians of the parties, the parties

shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where captured military personnel and foreign civilians are held.

(b) To contribute to improving the living conditions of the captured and detained Vietnamese civilian personnel, the two South Vietnamese parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where the captured and detained Vietnamese civilian personnel are held.

WITH REGARD TO DEAD AND MISSING PERSONS

Article 10

(a) The Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Article 8 (b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on this task.

(b) With regard to Vietnamese civilian personnel dead or missing in South Viet-Nam, the two South Vietnamese parties shall help each other to obtain information about missing persons, determine the location and take care of the graves of the dead, in a spirit of national reconciliation and concord, in keeping with the people's aspirations.

OTHER PROVISIONS

Article 11

(a) The Four-Party and Two-Party Joint Military Commissions will have the responsibility of determining immediately the modalities of implementing the provisions of this Protocol consistent with their respective responsibilities under Articles 16 (a) and 17 (a) of the Agreement. In case the Joint Military Commissions, when carrying out their tasks, cannot reach agreement on a matter pertaining to the return of captured personnel they shall refer to the International Commission for its assistance.

(b) The Four-Party Joint Military Commission shall form, in addition to the teams established by the Protocol concerning the cease-fire in South Viet-Nam and the Joint Military Commissions,¹ a sub-commission on captured persons and, as required, joint military teams on captured persons to assist the Commission in its tasks.

(c) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South

¹ See p. 250 of this volume.

Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel.

(d) The Four-Party Joint Military Commission shall send joint military teams to observe the return of the persons mentioned in Articles 1 and 2 of this Protocol at each place in Viet-Nam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return. The Two-Party Joint Military Commission shall send joint military teams to observe the return of Vietnamese civilian personnel captured and detained at each place in South Viet-Nam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return.

Article 12

In implementation of Articles 18 (b) and 18 (c) of the Agreement, the International Commission of Control and Supervision shall have the responsibility to control and supervise the observance of Articles 1 through 7 of this Protocol through observation of the return of captured military personnel, foreign civilians and captured and detained Vietnamese civilian personnel at each place in Viet-Nam where these persons are being returned, and at the last detention places from which these persons will be taken to the places of return, the examination of lists, and the investigation of violations of the provisions of the above-mentioned Articles.

Article 13

Within five days after signature of this Protocol, each party shall publish the text of the Protocol and communicate it to all the captured persons covered by the Protocol and being detained by that party.

Article 14

This Protocol shall come into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Viet-Nam. It shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, one thousand nine hundred and seventy-three, in English and Vietnamese. The English and Vietnamese texts are official and equally authentic.

For the Government
of the United States of America :

[*Signed*]

WILLIAM P. ROGERS
Secretary of State

For the Government
of the Republic of Viet-Nam :

[*Signed*]

TRAN VAN LAM
Minister for Foreign Affairs

For the Government
of the Democratic Republic
of Viet-Nam :

[Signed]

NGUYEN DUY TRINH
Minister for Foreign Affairs

For the Provisional
Revolutionary Government
of the Republic of South Viet-Nam :

[Signed]

NGUYEN THI BINH
Minister for Foreign Affairs

**PROTOCOL¹ TO THE AGREEMENT ON ENDING THE WAR
AND RESTORING PEACE IN VIET-NAM² CONCERNING
THE RETURN OF CAPTURED MILITARY PERSONNEL
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DETAINED VIETNAMESE CIVILIAN PERSONNEL**

The Government of the United States of America, with the concurrence of the Government of the Republic of Viet-Nam,

The Government of the Democratic Republic of Viet-Nam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Viet-Nam,

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(b) The two South Vietnamese parties will do so in a spirit of national reconciliation and concord with a view to ending hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

(c) Within fifteen days after the cease-fire comes into effect, the two South Vietnamese parties shall exchange lists of the Vietnamese civilian personnel captured and detained by each party and lists of the places at which they are held.

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Article 13

Within five days after signature of this Protocol, each party shall publish the text of the Protocol and communicate it to all the captured persons covered by the Protocol and being detained by that party.

Article 14

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Viet-Nam concerning the Return of Captured Military Personnel and

¹ See p. 250 of this volume.

Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Viet-Nam, and upon signature of a document¹ in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Viet-Nam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Viet-Nam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Viet-Nam. The Protocol shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, one thousand nine hundred and seventy-three, in English and Vietnamese. The English and Vietnamese texts are official and equally authentic.

For the Government
of the United States of America :

[*Signed*]

WILLIAM P. ROGERS
Secretary of State

For the Government
of the Democratic Republic
of Viet-Nam :

[*Signed*]

NGUYEN DUY TRINH
Minister for Foreign Affairs

¹ See p. 204 of this volume.